

JOHN D. DINGELL

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages = 2

To: BOB MAYHUGH	From: CRAIG MATTHIESSEN
Direct Agency: RE	Phone #: 202-564-8016
Fax #: 312-886-6064	Fax #: 202-564-8222
NRN 7540-01-317-7968	5070-101 GENERAL SERVICES ADMINISTRATION

United States

Representatives

20313-2216

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WASHINGTON OFFICE:

ROOM 3328

RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20545-2216

(202) 276-4071

DISTRICT OFFICE:

1445 SCHAEFER ROAD

DEARBORN, MI 48126-3277

(313) 816-1274

23 EAST FRONT STREET

SUITE 100

MONROE, MI 48161-2228

(734) 243-1848

The Honorable Carol Carmody
Acting Chairwoman
National Transportation Safety Board
490 L'Enfant Plaza, East, S.W.
Washington, D.C. 20594

Admiral James M. Loy
Commandant
U.S. Coast Guard
2100 2nd Street, S.W. #2312
Washington D.C. 20593

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

The Honorable Norman Mineta
Secretary of Transportation
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

The Honorable R. Davis Layne
Acting Assistant Secretary
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

US EPA RECORDS CENTER REGION 5



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Dear Ladies and Gentlemen:

As you know, on Saturday, July 14, there was a devastating explosion at an ATOFINA Chemical plant in Riverview, Michigan, which is located in my Congressional District. It is with a heavy heart that I report that three constituents died in this dreadful explosion. Additionally, more than 2,000 Downriver residents, from four nearby communities, had to be evacuated from their homes.

I am deeply concerned over the severity of this incident, and write you to request that a comprehensive federal investigation be launched to determine the causes of this incident. This investigation should include a thorough review of all of ATOFINA's procedures. It must be determined whether ATOFINA was in compliance with federal law prior to this incident, and whether ATOFINA's activities constitute a risk to its workers or the surrounding communities.

Though the National Transportation Safety Board is the lead Agency in this investigation, each one of your agencies is responsible for certain issues pertaining to this investigation. It is my fervent hope that you will work together to ensure that a full and comprehensive investigation is completed. Additionally, I would like answers to the following questions, which I expect will also be properly and thoroughly addressed as you commence your investigation.

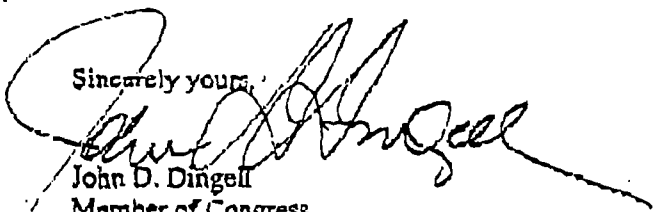
1. I have learned that ATOFINA has a prior history of spills and leaks at the Riverview plant. Previous to Saturday's accident involving methyl mercaptan, there was a spill in August 2000, involving ethylene oxide, a chemical which is extremely explosive. In May and October of 1999, there were two leaks of ethylene oxide. Finally, in July of 1999, sodium hypochlorite was released. I would appreciate you providing me with an overview of ATOFINA's safety record. Has ATOFINA been in compliance with federal law pertaining to the transport and handling of toxic and flammable chemicals? Has ATOFINA been in compliance with workplace safety standards?

2. What specific chemicals does the Riverview ATOFINA plant handle? What risks do these chemicals pose to the surrounding communities? What are the health risks posed by methyl mercaptan to the residents of the communities surrounding the Riverview plant? What risks do these chemicals pose to the water supply?
3. It is my understanding the Riverview ATOFINA plant has been in operation since 1898. Is this facility safe given its age? Does the fact that ATOFINA operates out of a plant that is 103 years old play any role in the explosion or any of the above mentioned previous leaks and spills?
4. Representatives from ATOFINA have indicated the procedure they use for the toxic chemical, methyl mercaptan, is the same they have used for 30 years without incident. Is that an accurate statement? Could you describe this process and is it in compliance with federal law?

Thank you for your cooperation and I look forward to your timely response. Should you have any questions, please feel free to call me or have your staff contact Katie Murtha at (202) 225-4071.

With every good wish,

Sincerely yours,


John D. Dingell
Member of Congress

1) Has Atofina been in compliance with federal law pertaining to the transport and handling of toxic and flammable chemicals? Has Atofina been in compliance with workplace safety standards?

The U.S. EPA and the states have conducted 23 inspections over the last 5 years. Seven (7) of those inspections were conducted by the U.S. EPA, including a multi-media inspection in 1996. Sixteen (16) of these inspections were conducted by MDEQ. Inspections were conducted under different programs, seven (7) for air, four (4) for water and twelve (12) for RCRA.

The facility is listed as being in non-compliance six(6) out of the last eight (8) quarters for Water, and one (1) out of the last eight (8) quarters for RCRA, however, none of the non-compliance is significant.

There is one formal enforcement action that was issued by MDEQ in September 2000. It is an administrative action and appears not to have a penalty.

On August 10, 2001, U.S. EPA contacted Mr. Sandy Altschul, Director of the Wayne County Emergency Services in Michigan who stated that Atofina is included in the community plan for SARA Title III..

On August 10, 2001, U.S. EPA contacted Mr. John Brennan at the Michigan OSHA and he indicated that OSHA conducted an inspection after the accident at the facility and is under investigation. However, Mr. Brennan suggested EPA to review the Atofina's OSHA compliance history at OSHA's website. The information in the website indicates that an Accident- Inspection was conducted on July 14, 2001 by OSHA (see attachment 1).

2) What specific chemicals does the Riverview Atofina plant handle? What risks do these chemicals pose to the surrounding communities? What are the health risks posed by methyl mercaptan to the residents of the communities surrounding the Riverview Plant? What risks do these chemicals pose to the water supply?

The facility handles about seventy nine (79) different type of chemicals (see attachment 2) . Of those 79 chemicals, eight (8) of them are considered Extremely Hazardous Substances (EHS). Those eight are sulfuric acid solution, furan, hydrogen peroxide solution, propylene oxide, anhydrous ammonia, monoethylamine, diethylamine, and chlorine. Also, forty seven (47) of those seventy nine (79) chemicals are found in the Response Information Data Sheets (RIDS) (see attachment 3). One of those forty seven (47) is methyl mercaptan (See attachment 4).

3) Is the Atofina's facility safe given its age of operation? Does the fact that Atofina operates out of a plant that is 103 years old play any role in the explosion or any of the above mentioned previous leaks and spills?

The age of the facility was not a trigger factor in the accident.

4) Is Atofina's procedure to use methyl mercaptan accurate? Could you describe this process and

is it in compliance with federal law?

Atofina's procedure to use methyl mercaptan as stated in the RMP is limited to process 46 and to the outside handling of railroad tank cars (see attachment 5). As stated in the RMP, the facility handles as much as 1,000,000 pounds of methyl mercaptan and as much as 4,300,000 pounds of chlorine at any one time.